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09/674,714	12/19/2000	Bjarke De Jaeger Gotfredsen	Scard-card reader	3520

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EXAMINER	
FRANKLIN, JAMARA ALZAIDA	
ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/674,714
Filing Date: December 19, 2000
Appellant(s): GOTFREDSEN, BJARKE DE JAEGER

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GROUP 2800

Daniel Maguire
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/06/04.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. There are no related appeals or interferences.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

Art Unit: 2876

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-13, 15, 18, 20, 23, 24, and 31 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 4/06/04.

Claims 14, 16, 17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 4/06/04.

Claims 25-30 and 32 are rejected under 35 U.S.C. 103(a). This rejection is set forth in a prior Office Action, mailed on 4/06/04.

Claims 1-13, 15, 18, 20, 23, 24, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret (PCT WO 95/24008).

Patret teaches, as illustrated in figure 4, a mouse pad unit (peripheral device) comprising a data storage read/write device (card insertion slots 110, 112). Please refer to Patret (US 5,661,633) for translation of the PCT reference, and particularly to col. 5, lines 25-54.

Patret is silent as to the mouse pad unit comprising a relatively small pad.

The examiner submits that although the Patret mouse pad unit does not explicitly teach that the mouse pad unit is relatively small, conventional knowledge teaches one that a relatively small mouse pad unit is common and well known within the art for optimal operating space.

One of ordinary skill in the art would have readily recognized that a relatively small mouse pad unit would be advantageous for providing the mouse pad user with a certain amount of operating space without causing additional clutter in the operating environment. Therefore, it would have been obvious, at the time the invention was made, to make the Patret mouse pad unit relatively small when viewed in conjunction to its immediate environment.

Art Unit: 2876

Claims 14, 16, 17, 19, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret in view of Panasik et al. (US 5,987,547) (hereinafter referred to as 'Panasik').

The teachings of Patret have been discussed above.

Patret lacks the teaching of a CD-ROM, DVD, or removable hard drive integrated with the mouse pad unit.

Panasik teaches a portable computer 18 with means for processing data on a removable hard drive, a CD-ROM, or DVD (col. 3, lines 33-38).

One of ordinary skill in the art would have readily recognized that providing the mouse pad unit of Wilson with the various forms of data storage read/write devices would have been beneficial for allowing a variety of different forms of data to be stored and retrieved. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Patret with the data processing device as taught by Panasik.

Claims 25-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patret in view of House (US 4,799,054).

The teachings of Patret have been discussed above.

Patret lack the teaching of text placed on the exterior surface of the mouse pad.

House teaches a mouse pad having advertisement incorporated onto a mouse pad (col. 7, lines 42-47).

One of ordinary skill in the art would have readily recognized that the inclusion of

Art Unit: 2876

visual information onto the mouse pad would have been advantageous since it would have immediately made the user aware of a product or to any particular pertinent data whenever the user looked in the direction of his hand. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Patret with the placement of the advertisement was taught by House.

(10) Response to Argument

In response to the arguments on pages 10-11 of the Appeal Brief, the 35 U.S.C. 112 second paragraph rejection of the final rejection has been withdrawn.

Definitions of the term “mouse pad” as provided on pages 8-9 of the Appeal Brief include:

(a) mouse pad

A fabric-covered pad **roughly** 9” square provides a smooth surface for rolling a mouse;
and

(b) mouse mat

<hardware> (U.S.: “mouse pad”) A small sheet with a special surface for a rolling ball mouse to move on. Most mouse mats are sheets of rubber or foam about 20 cm by 25 cm and about 5 mm thick with one side covered with cloth or sometimes hard plastic. Deluxe versions come combined with a wrist rest.

According to the definitions for “mouse pad” as provided above, the peripheral device of the Patret invention may be defined as a mouse pad. In accordance with definition (a), the peripheral device of the Patret invention is roughly 9” square since “roughly” constitutes a general estimation that may be loosely relied upon as a measurement. Also, in accordance to definition (b) as provided, **most** mouse mats are sheets of rubber or foam about 20 cm by 25 cm

Art Unit: 2876

and about 5 mm thick with one side covered with cloth or sometimes hard plastic---**most not all.**

There is an exception to the definition as seen with the use of the word “most” in the definition.

The peripheral device of Patret may be seen as an exception to the definition of mouse pad as disclosed by the definition (b) since the peripheral device is not explicitly taught to be of sheets of rubber about 20 cm by 25 cm and about 5 mm thick with one side covered with cloth or sometimes hard plastic.

Regarding arguments on pages 7-8 of the Appeal Brief, the examiner submits that although such definitions for a mouse pad are provided, the fact remains it is not unreasonable to suggest the use of the peripheral device of the Patret invention as a mouse pad. As taught in the abstract of the Patret invention, a peripheral device for a computer or the like comprises: a thin flat housing suitable for resting on a work surface and having a generally plane and smooth top surface; a keyboard, and a flat screen disposed in a central zone of the device. The abstract continues disclosing that the dimensions of the housing are chosen so that it constitutes a desk pad that permanently occupies a portion of a work surface.

It is not unreasonable to suggest that the peripheral device (constituting a desk pad) may be used as a mouse pad, since the keyboard is placed centrally within the peripheral device and a mouse is generally used within the same work space as is the keyboard. A mouse could therefore be supported by the peripheral device for rolling, especially if the mouse is an optical mouse similar to those now commonly in use.

Arguments, as seen on page 7 of the Appeal Brief, that suggest that objects such as a flat rock, an ironing board, and a crisp cracker, all having flat surfaces which may qualify as a mouse

Art Unit: 2876

pad, are unsubstantiated since the aforementioned objects would not, in real-life circumstances and situations, have to be relied upon as a mouse pad.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Examiner

Art Unit 2876

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May 31, 2005

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